



Docket No.: K2020.0005/P005  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kunio Moriyama et al.

Application No.: 10/790,763

Confirmation No.: 5136

Filed: March 3, 2004

Art Unit: 2881

For: PARTICLE BEAM THERAPY SYSTEM

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(d)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to make the above-identified application special under MPEP § 708.02, X. The application has not yet been examined.

The present application relates to a particle beam therapy system (particle beam treatment system) and a particle beam irradiating method used for the treatment of cancer. The particle beam therapy system comprises a charged particle beam generator and a plurality of treatment rooms in each of which an irradiation unit for irradiating the charged particle beam to the irradiation target (cancerous tumor) is disposed. The particle beam therapy system further comprises a first beam transport system connected to the charged particle beam generator and a second beam transport system connected to the first beam transport system and that are connected to the respective irradiation units in the plurality of treatment rooms. Control command information, for a plurality of elements (electromagnets, for example) provided in the first beam transport system and in the second beam transport system, is formed by using treatment room information

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representing the selected treatment room and specified treatment plan information. Therefore, the invention falls into the category of Invention Relating to HIV/AIDS and Cancer specified in MPEP §708.02, X.

Accordingly, applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. K2020.0005.

Dated: July 18, 2005

Respectfully submitted,

By Amanda S. Pitcher

Mark J. Thronson

Registration No.: 33,082

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PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 130.00)

### Complete if Known

Application Number	10/790,763
Filing Date	March 3, 2004
First Named Inventor	Kunio Moriyama
Examiner Name	Not Yet Assigned
Art Unit	2881
Attorney Docket No.	K2020.0005/P005

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 04-1073 Deposit Account Name: Dickstein Shapiro Morin & Oshinsky LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**  
 \_\_\_\_\_ - 20 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ Fee (\$)

**Indep. Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)** \_\_\_\_\_ Fee (\$)

\_\_\_\_\_ - 3 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

**Total Sheets** **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

\_\_\_\_\_ - 100 = \_\_\_\_\_ /50 \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_ Fees Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1464 Petitions to the Director not specifically ...

130.00

##### SUBMITTED BY

Signature	<i>Mark J. Thronson</i>	Registration No. (Attorney/Agent)	33,082	Telephone	(202) 775-4742
Name (Print/Type)	Mark J. Thronson	<i>A. P. Thronson</i>	<i># 54374</i>	Date	



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**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/790,763
Filing Date	March 3, 2004
First Named Inventor	Kunio Moriyama
Art Unit	2881
Examiner Name	Not Yet Assigned
Attorney Docket Number	K2020.0005/P005

**Enclosed is a petition filed under 37 CFR 1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.*

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:  
 Petition fee under 37 CFR 1.17(f), (g) or (h)  Any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.  
 Check in the amount of \$ \_\_\_\_\_ is enclosed.  
 Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) – to accord a filing date.  
 § 1.57(a) – to accord a filing date.  
 § 1.182 – for decision on a question not specifically provided for.  
 § 1.183 – to suspend the rules.  
 § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 – for access to an assignment record.  
 § 1.14 – for access to an application.  
 § 1.47 – for filing by other than all the inventors or a person not the inventor.  
 § 1.59 – for expungement of information.  
 § 1.103(a) – to suspend action in an application.  
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 – for review of refusal to publish a statutory invention registration.  
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.  
 § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.  
 § 5.12 – for expedited handling of a foreign filing license.  
 § 5.15 – for changing the scope of a license.  
 § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.  
 § 1.84 – for accepting color drawings or photographs.  
 § 1.91 – for entry of a model or exhibit.  
 § 1.102(d) – to make an application special.  
 § 1.138(c) – to expressly abandon an application to avoid publication.  
 § 1.313 – to withdraw an application from issue.  
 § 1.314 – to defer issuance of a patent.

7/10/05

Signature

Mark J. Thronson

*A. Pitcher*

Typed or printed name

Date

33,082

54,374

Registration No., if applicable